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electronic transactions for a buyer using the client computer system to purchase items from a plurality of merchants using the at least one server computer system, the program comprising:

means for displaying a separate representation for each item selected by the buyer from at least two different merchants wherein each representation has one of a plurality of associated states at a given instance in time; and

means for selecting, by the buyer, a desired item from a certain merchant with a selected associated state indicating that the buyer desires to purchase the desired item if a previous transaction which bought another item from another merchant can be canceled.

#### REMARKS

Claims 1-14 remain pending in the application.

Claims 1-14 have been rejected by the Examiner.

Claims 3, 4, 10 and 11 have been amended herein.

#### CLAIM OBJECTIONS

The Examiner has objected to claim 3, 4, 10, and 11, because the claims recite "the client" while the claim from which it depends claims "the buyer". Applicants have amended these claims to claim the "client computer" instead of just "client" since "client computer" is used in the previous claims as "at least one buyer using a client computer".

#### CLAIM REJECTIONS - 35 USC 112

The Examiner has rejected claims 4, 8, and 11 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

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subject matter which applicants regards as the invention. More specifically, there is insufficient antecedent basis, in claims 4 and 11 for the limitation "the representation for the desired item". Applicants have amended the claims to overcome this rejection.

Furthermore, the Examiner states that there is insufficient antecedent basis, in claim 8, for the limitation "the plurality of selectable states" in line 28. Applicants traverse this rejection by pointing out that antecedent basis is provided in line 26 of that claim by "a plurality of selectable states".

CLAIM REJECTION 35 USC 103 - FERGERSON (5,966,697) AND WALKER (5,794,207).

CLAIMS 1-3, 5-10, 12-14

Applicants agree with the Examiner that Ferguson teaches a method for carrying out electronic transactions between a plurality of merchants and displaying a separate representation for each item selected by the buyer from at least two different merchants.

The Examiner admits that Ferguson does not teach having one of the plurality of selectable states indicate that the buyer desires to purchase a desired item from a first merchant if a previous transaction which bought another item from a second merchant can be canceled, as claimed in Applicants' claimed invention.

The Examiner then cites Walker stating the Walker teaches communicating, over a network, a conditional purchase offer wherein the conditional purchase offer contains conditions that must occur before an acceptance can take place.

However, even this teaching in Walker combined with Ferguson still does not teach that one of the states associated with one of the representations for an item from at least one of two different merchants indicates that the buyer desires to purchase a desired item from a first merchant if a previous transaction which bought another item from a second merchant can be canceled. Applicants could find no teaching in Ferguson or Walker of a condition associated with an item for purchase that was conditioned on the purchasing or not purchasing of another item from another merchant. The conditions in Walker are only concerned with the product being purchased. It does not involve products from other merchants. As such, even the combination of Ferguson and Walker still does not teach or suggest Applicants' claimed invention.

The Examiner has erred in the Examiner's conclusion concerning the combination of Ferguson and Walker since the Examiner is relying on teachings found solely in Applicants' claimed invention to make the combination. For example, the Examiner states "it would have been obvious to one of ordinary skill in the art, to modify Ferguson et al, to include the teachings of Walker et al, because having one of the plurality of selectable state indicate that the buyer desires to purchase a desired item from a first merchant if a previous transaction which bought another item from a second merchant can be canceled would enable to..." The modification that the examiner states could be made to Ferguson is Applicants' teaching. It is not any teaching found in Walker. The Examiner has erred in combining Applicants' invention with Ferguson. The motivation

then that the Examiner makes flows from Applicants' claimed invention, and not from Ferguson or Walker.

As such, Applicants have shown that the combination of Ferguson and Walker still does not teach or suggest each limitation of Applicants' claimed invention as found in claim 1. As such, Applicants' claimed invention is not obvious under 35 USC 103(a).

With respect to claim 2, Applicants submit that claim 2 is not obvious under 35 USC 103(a) for the same reasons as stated above with respect to claim 1.

With respect to claim 3, the Examiner states that Ferguson teaches sending from the client to the certain merchant an identification of the other merchant and the other item, and receiving a notification that the previous transaction is canceled. Applicants could find no such teaching in Ferguson at column 2, lines 31-41. Furthermore, since claim 3 depends from claim 2 claim 3 is not taught or suggested by the combination for the reasons stated above with respect to claim 2 which was not obvious for the same reasons stated above with respect to claim 1.

With respect to claim 5, the Examiner states that claim 5 is taught by Ferguson at col 11, lines 30-34. However, Applicants could find no teaching or suggestion in Ferguson that *upon notification of a cancellation of one item, that the state of another item is changed* to one of being on hold or bought. Furthermore, claim 5 depends from claim 3 which was shown above not to be obvious.

With respect to claims 6 and 7, claims 6 and 7 depend from claim 3 which has been shown above not to be obvious. As such, claims 6 and 7 also are not obvious.

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Claim 8 pertains to a computer system for carrying out the method of claim 1 and is not obvious for the same reasons as discussed above with respect to claim 1.

It appears that the Examiner has rejected claim 9 for the same reasons that claim 2 was rejected. Applicants submit that claim 9 is not obvious under 35 USC 103(a) for the same reasons as shown above for claim 2.

It appears that the Examiner has rejected claim 10 for the same reasons that claim 3 was rejected. Applicants submit that claim 10 is not obvious under 35 USC 103(a) for the same reasons as shown above for claim 3.

It appears that the Examiner has rejected claim 12 for the same reasons that claim 5 was rejected. Applicants submit that claim 12 is not obvious under 35 USC 103(a) for the same reasons as shown above for claim 5.

The Examiner has rejected claim 13 for the same reasons as discussed claim 1. Likewise, Applicants submit that claim 13 is not obvious under 35 USC 103(a) for the same reasons as discussed above for claim 1.

The Examiner has rejected claim 14 for the same reasons as discussed for claim 9. Likewise, Applicants submit that claim 14 is not obvious under 35 USC 103(a) for the same reasons as discussed above for claim 9.

CLAIM REJECTION 35 USC 103 - FERGERSON (5,966,697) AND WALKER

(5,794,207) AND WALKER (6,249,772)

CLAIMS 4 and 11

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The Examiner has rejected claims 4 and 11 under 35 USC 103(a) as being unpatentable over Ferguson et al (US 5,966,697) in view of Walker et al (US 5,794,207), and a second patent issued to Walker et al (US 6,249,772).

Claim 4 depends from claim 2 and is not obvious with respect to Ferguson and Walker '207 for the reasons cited above with respect to claim 2. Furthermore, claim 4 is not taught or suggested by Walker '772 since Walker '772 teaches away from Applicants' claimed invention. Walker teaches at column 10, lines 45-48 that a central controller sends a message to the local store that causes the local store to place a hold on the inventory item. This is contrary to Applicants' claimed invention of "causing an indication to be sent from the client to the certain merchant's. Furthermore, Walker '772 does not teach or suggest "a select associated state indicating that the buyer desires to purchase the desired item if a previous transaction which bought another item from another merchant can be canceled, "as claimed in Applicants' claimed invention. Therefore, Applicants' claim 4 is not obvious under 35 USC 103(a) with respect to the three references since the references, alone, or in combination, do not teach or suggest each and every element of the claim.

The Examiner has rejected claim 11 as discussed under claim 4. Likewise, Applicants submit that claim 11 is not obvious for the same reasons as discussed above with respect to claim 4.

**SUMMARY AND CONCLUSION**

Applicants have shown that claims 1-14 are indeed patentable and are not obvious. Applicants' attorney has reviewed the art made of record but not relied upon, and have deemed the art to be no more relevant than the art relied upon. In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE****IN THE CLAIMS:**

Claims 3, 4, 10, and 11 has been amended as follows:

**CLAIMS**

1. (Unchanged) A method for carrying out, over a communication network of interconnecting computers, electronic transactions between a plurality of merchants using at least one server computer and at least one buyer using a client computer, comprising:  
displaying, at the client computer, a separate representation for each item selected by the buyer from at least two different merchants; and

associating one of a plurality of selectable states with each separate representation wherein a certain one of the plurality of selectable states indicates that the buyer desires to purchase a desired item from a first merchant if a previous transaction which bought another item from a second merchant can be canceled.

2. (Unchanged) A method for carrying out, over a communication network of interconnecting computers, electronic transactions between a plurality of merchants using at least one server computer and at least one buyer using a client computer, comprising:

enabling the client computer to display a separate representation for each item selected by the buyer from at least two different merchants wherein each representation has one of a plurality of associated states at a given instance in time; and

selecting, by the buyer, a desired item from a certain merchant with a selected associated state indicating that the buyer desires to purchase the desired item if a previous transaction which bought another item from another merchant can be canceled.



3. (AMENDED) The method of claim 2 further comprising:  
sending, from the client computer, to the certain merchant an identification of the other merchant and the other item; and  
receiving a notification that the previous transaction is canceled.

4. (AMENDED) The method of claim 2 wherein the selected associated state causes an indication to be sent from the client computer to the certain merchant to lock specific data associated with the desired item from being accessible by a different client computer during a period that the an associated representation for the desired item has the selected associated state.

5. (Unchanged) The method of claim 3 further comprising changing the selected state to a different state, upon notification of the cancellation, wherein the different state provides an indication of one of the following: a) the buyer desires to put the desired item, and b) the buyer has bought the desired item.

6. (Unchanged) The method of claim 3 wherein the other item has a displayed other representation on the client computer wherein the associated state is changed, upon receipt of the notification, to indicate that the previous transaction is canceled.

7. (Unchanged) The method of claim 3 wherein the other item has a displayed other representation on the client computer which becomes automatically deleted, upon receipt of the notification indicating that the previous transaction is canceled.

8. (Unchanged) A client computer system enabled to communicate over a network with at least one server computer system for carrying out electronic transactions for a buyer using the client computer system for the purchase of items from a plurality of

merchants using the at least one server computer system, the client computer system comprising:

means for displaying, at the client computer, a separate representation for each item selected by the buyer from at least two different merchants; and

means for associating one of a plurality of selectable states with each separate representation wherein a certain one of the plurality of selectable states indicates that the buyer desires to purchase a desired item from a first merchant if a previous transaction which bought another item from a second merchant can be canceled.

9. (Unchanged) A client computer system enabled to communicate over a network with at least one server computer system for carrying out electronic transactions for a buyer using the client computer system for the purchase of items from a plurality of merchants using the at least one server computer system, the client computer system comprising:

means for displaying a separate representation for each item selected by the buyer from at least two different merchants wherein each representation has one of a plurality of associated states at a given instance in time; and

means for selecting, by the buyer, a desired item from a certain merchant with a selected associated state indicating that the buyer desires to purchase the desired item if a previous transaction which bought another item from another merchant can be canceled.

10. (AMENDED) The system of claim 9 further comprising:

means for sending, from the client computer, to the certain merchant an identification of the other merchant and the other item; and

means for receiving a notification that the previous transaction is canceled.

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11. (AMENDED) The system of claim 9 wherein the selected associated state causes an indication to be sent from the client computer to the certain merchant to lock specific data associated with the desired item from being accessible by a different client computer during a period that ~~the~~ an associated representation for the desired item has the selected associated state.

12. (Unchanged) The system of claim 10 further comprising means for changing the selected state to a different state, upon notification of the cancellation, wherein the different state provides an indication of one of the following: a) the buyer desires to put the desired item on hold for a time to consider buying the desired item, and b) the buyer has bought the desired item.

13. (Unchanged) A computer program having computer readable program code means, on a computer usable medium, for enabling a client computer system to communicate over a network with at least one server computer system to carry out electronic transactions for a buyer using the client computer system to purchase items from a plurality of merchants using the at least one server computer system, the program comprising:

means for displaying, at the client computer, a separate representation for each item selected by the buyer from at least two different merchants; and

means for associating one of a plurality of selectable states with each separate representation wherein a certain one of the plurality of selectable states indicates that the buyer desires to purchase a desired item from a first merchant if a previous transaction which bought another item from a second merchant can be canceled.

14. (Unchanged) A computer program having computer readable program code means, on a computer usable medium, for enabling a client computer system to communicate over a network with at least one server computer system to carry out

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electronic transactions for a buyer using the client computer system to purchase items from a plurality of merchants using the at least one server computer system, the program comprising:

means for displaying a separate representation for each item selected by the buyer from at least two different merchants wherein each representation has one of a plurality of associated states at a given instance in time; and

means for selecting, by the buyer, a desired item from a certain merchant with a selected associated state indicating that the buyer desires to purchase the desired item if a previous transaction which bought another item from another merchant can be canceled.

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